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		Application Number	09/902,713
		Filing Date	JULY 10, 2001
		First Named Inventor	AVI ASHKENAZI
		Group/Art Unit	1644
		Examiner Name	ROARK, JESSICA H.
Total Number of Pages in This Submission	4	Attorney Docket Number	39780-1618 P2C34

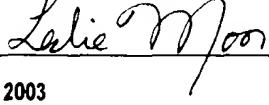
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Remarks

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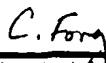
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Firm or Individual name	HELLER EHRLICH WHITE & McAULIFFE LLP 275 Middlefield Road, Menlo Park, California 94025		
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OCT 23 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:) Examiner: Roark, Jessica H.
Avi ASHKENAZI, et al.)) Art Unit: 1644
Application Serial No. 09/902,713)) Attorney's Docket No. 39780-1618 P2C34
Filed: July 10, 2001)) Customer No. 35489
For: **ANTIBODIES TO PRO269**))
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Dear Sir:

This preliminary amendment is supplemental to the amendment filed
October 16, 2003. Please consider the following arguments.

Priority

In their Preliminary Amendment, Applicants provided reasons why the effective filing date of this application is February 11, 2000. The claims pending are fully entitled to claim priority to International Application PCT/US00/03565 filed February 11, 2000.

Claim Rejections - 35 USC § 102(a)and 102(b)

1. Claims 39-43 stand rejected under 35 USC 102(b) or in the alternative under 35 USC 102(a) as being anticipated by Wood et al. (WO99/14328). This rejection is traversed for the following reasons.

When discussing this rejection in the preliminary response, Applicants incorrectly indicated the wrong effective filing date. Applicants are asserting that the claims pending in this application are entitled to the effective filing date of February 11, 2000. Wood et al., was published less than one year prior to the effective filing date of the present application. Accordingly, Wood et al is not a 35 USC 102(b) prior art reference.

Applicant's disclosure of their own work within the year before the filing date of a patent application cannot be used against Applicants. Accordingly Wood et al. is not a 35 USC 102(a) prior art reference.

2. Claim 39-43 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Valenzuela et al. (WO00/11015) (published March 2, 2000) which allegedly teaches a protein that is at least 100% identical to SEQ ID NO:96.

Applicants, in discussing this rejection in the preliminary amendment, incorrectly indicated the wrong effective filing date. The claims pending in this application are entitled to the effective filing date of February 11, 2000. The cited primary reference Valenzuela et al. has a publication date of 3/2/2000 which is after the effective filing date (2/11/2000) of the present application. Hence, Valenzuela is not prior art under 102(b), and does not anticipate the present claims. Withdrawal of the rejection is respectfully requested.

Claim Rejections - 35 U.S.C. §103

Claims 39 and 43 stand rejected under 35 U.S.C. §103 as being unpatentable over Valenzuela et al. (published 3/2/2000) in view of Ramakrishnan et al.

Again, as discussed above, since the effective filing date of the present application is February 11, 2000, Valenzuela et al. is not prior art since its effective date is after the effective filing date of the present application. Ramakrishnan et al. does not teach the claimed sequence. Accordingly, the present claims are not obvious over the combination of Valenzuela et al. and Ramakrishnan et al. and Applicants request that this rejection be withdrawn.

The present application is believed to be in *prima facie* condition for allowance, and an early action to that effect is respectfully solicited.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 08-1641 (Attorney's Docket No. 39780-1618 P2C34). Please direct any calls in connection with this application to the undersigned at the number provided below.

Respectfully submitted,

Date: October 23, 2003

By: Leslie A. Mooi
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